

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEITON SMITH,

Plaintiff,

v.

NDOC, *et al.*

Defendants.

Case No. 2:22-cv-00872-CDS-EJY

ORDER

On March 22, 2023, the Court entered an Order requiring the Deputy Attorney General (“DAG”) to file a notice explaining why his office had identified Dennis McKee as a defendant in this action. ECF No. 40. The Order raised the issue because Plaintiff identified no one named McKee, but had referred to a defendant named Mcbec. The Court asked the DAG to clarify whether McKee was Mcbec, and whether the Attorney General’s Office was accepting service on behalf of McKee. *Id.* On March 24, 2023, the DAG filed his response explaining Defendant Mcbec’s real name is Dennis McKee, and service could not be accepted on behalf of this defendant. ECF No. 41 at 2. The DAG filed Dennis McKee’s last known address under seal on March 21, 2023. ECF No. 38.

Given the Court previously allowed claims to proceed against Mcbec (ECF No. 7), IT IS HEREBY ORDERED that the Clerk of Court **must** issue a summons for Defendant Dennis McKee and deliver the same to the U.S. Marshal for service together with one copy of this Order, Plaintiff’s Amended Complaint (ECF No. 8), the Court’s Screening Order (ECF No. 7), and the address for Dennis McKee filed under seal at ECF No. 38.

IT IS FURTHER ORDERED that the Clerk of Court **must** send to Plaintiff one USM-285 form, together with a copy of this Order and **Plaintiff must** complete the form to the best of his ability and return the completed form to the Clerk’s Office by mail no later than **April 27, 2023**.

IT IS FURTHER ORDERED that the Clerk of Court **must** substitute the name Mcbec as Defendant Dennis McKee on the docket.

1 IT IS FURTHER ORDERED that upon receipt of the completed USM-285 form in the
2 Clerk's Office, the Clerk of Court **must** file the form under seal, recording the same on the docket,
3 and deliver a copy of the completed form to the U.S. Marshal within one day of receipt.

4 IT IS FURTHER ORDERED that the U.S. Marshal Service **shall** attempt to effect service of
5 the summons, Plaintiff's Amended Complaint, and the Court's Screening Order on Defendant
6 Dennis McKee no later than **fifteen days** after receipt of the completed USM-285.

7 IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, Plaintiff's
8 claims against Defendant Dennis McKee may be subject to dismissal for failure to complete service
9 of process pursuant to Fed. R. Civ. P. 4(m).

10 DATED this 27th day of March, 2023.

11 
12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28